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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,962	08/25/2003	Wei Zhao	9400-44	3021
39072	7590	07/15/2005	EXAMINER	
MYERS BIGEL SIBLEY & SAJOVEC, P.A. P.O. BOX 37428 RALEIGH, NC 27627			STEIN, JULIE E	
			ART UNIT	PAPER NUMBER
			2685	

DATE MAILED: 07/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/646,962

Applicant(s)

ZHAO ET AL.

Examiner

Julie E. Stein, Esq.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5, 8-12, and 15-22 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication 2004/0203873 to H. Gray.

As regards independent claims 1, 17, and 20, Gray discloses all the steps/elements/computer readable medium, including directing a mobile user to a wireless network access point (see abstract) comprising: receiving a mobile user request for a location of a wireless network access point via a user terminal (paragraph 35); identifying a geographic location of the mobile user responsive to receiving the user request (paragraph 36); and identifying a wireless network access point convenient to the user (paragraph 37).

Gray also discloses all the steps of claim 2, including communicating the identified wireless network access point to the user. See paragraphs 38 to 39.

Gray discloses all the steps of claim 3, including wherein identifying a wireless network access point comprises comparing the geographic location of the user to known locations of a plurality of access points. See paragraphs 36 to 37.

Gray also discloses all the steps of claims 4, 18, and 21, including wherein identifying a geographic location of the mobile user comprises locating a wireless communications signal from the user terminal. See paragraphs 35 to 38.

Gray also discloses all the steps of claims 5, 19, and 22, including wherein identifying a wireless network access point comprises: calculating a travel time between the user location and each of the plurality of wireless network access points; and selecting one of the plurality of wireless network access points having the shortest travel time. See paragraph 38.

Gray also discloses all the steps of claim 8, including wherein the user request further comprises amenities, and wherein the identifying a wireless network access point comprises identifying wireless network access points that include the request amenities. See paragraphs 33 to 34, the discussion of downloading email.

Gray also discloses all the steps of claim 9, including wherein the amenities include a type of facility and/or service available in the vicinity of the wireless network access point. See, *id.*

Gray also discloses all the steps of claim 10, including wherein the amenities include a service provider associated with the wireless network. The inclusion of an ISP is inherent.

Gray also discloses all the steps of claim 11, including further comprising communicating direction from the user location to the selected wireless network access point. See paragraph 38.

Gray also discloses all the steps of claim 12, including communicating the information concerning wireless network amenities to the user terminal. This is inherent based on the original request and identification of the nearest access point.

Gray also discloses all the steps of claims 15 and 16, including wherein the user terminal is a mobile communications device or a computer processor terminal. See Figures 1-4.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gray in view of Official Notice.

Gray teaches all the steps of claim 13, except that the wireless network is a broadband wireless network and that it includes Wi-Fi. The Examiner takes Official Notice that the use of both broadband and Wi-Fi is well known in the art and therefore one of ordinary skill in the art at the time the invention was made would know that both the use of broadband and Wi-Fi would be usable with the method taught by Gray. In addition, Gray notes that the user is requesting an access point in a WLAN since the downloading speed is faster than in WAN, which supports the above Official Notice that an increase in speed within the network is well known in the art. See paragraph 33.

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5. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gray as applied to claim 1 above, and further in view of U.S. Patent No. 6,650,902 to Richton. Gray teaches all the steps of claims 6 and 7, except calculating a travel time based on distance and road conditions and that the road conditions comprise real-time traffic conditions. However, Richton teaches a system and method, which uses the location of a mobile unit and a location based controller to determine real-time traffic information based on the route the mobile unit is or will soon be traveling. See column 3, lines 9 to 62 and column 5, lines 6 to 11. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add the functionality of calculating travel time in real-time as taught by Richton to the method of Gray because this allows for a more accurate determination of which access point is nearest to the mobile unit.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent Nos. 6,532,418 to Chun et al. teaches a vehicle navigation network, and 6,615,130 to Myr teaches a real time vehicle guidance system, and U.S. Patent Application Publication 2002/0022491 to McCann et al. teaches a system in which access points can be identified for a mobile terminal.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie E. Stein, Esq. whose telephone number is (571) 272-7897. The examiner can normally be reached on M-F (8:30 am-5:00 pm).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JES

Nguyen Vo
7/8/2005

NGUYEN T. VO
PRIMARY EXAMINER